

House Bill 770

By: Representatives Day of the 163rd, Neal of the 1st, Horne of the 71st, and Bearden of the 68th

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to definitions relative to postsecondary education, so as to prohibit the admission of nonimmigrant foreign students who are members of terrorist organizations or from terrorist countries into postsecondary schools receiving state funds; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to definitions relative to postsecondary education, is amended by adding a new Code section to read as follows:

"20-3-2.

(a) As used in this article, the term:

(1) 'Educational institution' means any institution of higher education that receives public funds from the state, including any public or private university, college, junior college, postsecondary school, or technical college.

(2) 'Educational institution operator' means any governing board, president, director, chancellor, registrar, or other person or persons responsible for the overall operation of an educational institution.

(3) 'Nonimmigrant student' means a person enrolled in or attending an educational institution pursuant to a student visa and shall include students attending educational institutions pursuant to an F, F-2, J, J-2, M, or M-2 visa as designated and issued by the United States government or students who are otherwise monitored by the federal Student and Exchange Visitor Information System (SEVIS) or other similar data information system maintained by the United States government for the purpose of tracking foreign students.

(4) 'Student visa' means any visa issued by the United States government for the purpose of allowing a person who is not a United States citizen to attend an educational institution in the United States and shall include an F, F-2, J, J-2, M, or M-2 visa.

(5) 'Terrorist country' or 'terrorist organization' means any organization on the United States terrorist exclusion list or any organization which has as one of its primary purposes to cause harm to the government of the United States or citizens of the United States and any country that supports, knowingly assists, aids, abets, or otherwise provides material assistance, support, or resources to such an organization or that conceals persons attempting to escape after committing or attempting to commit an act of terrorism.

(b) No educational institution or educational institution operator shall accept for admission into such educational institution any nonimmigrant student who is a member of a terrorist organization or who is a citizen or resident of a terrorist country.

(c) For purposes of verifying compliance with this Code section, each educational institution and educational institution operator shall report identifying information of each nonimmigrant student who has been accepted for admission to such educational institution pursuant to a student visa to the Georgia Bureau of Investigation. The information so provided shall comprise all information regarding the nonimmigrant student maintained by the educational institution, including information from any federal agency or department. The identifying information shall be submitted to the Georgia Bureau of Investigation not later than 15 business days after the admission of any nonimmigrant student.

(d) Intentional or negligent failure of any educational institution operator to provide identification information as required by this Code section shall be considered malfeasance of office. In addition, educational institutions which fail to comply with the requirements of this Code section shall be subject to the withholding of any state funding or state administered federal funding.

(e) The Georgia Bureau of Investigation shall be authorized to inspect an educational institution's records, policies, and procedures to verify compliance with the provisions of this Code section."

SECTION 2.

This Act shall become effective on July 1, 2007.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.